



General Assembly

February Session, 2002

Amendment

LCO No. **5047**

SB0031905047SR0

Offered by:

SEN. GENUARIO, 25th Dist.

To: Subst. Senate Bill No. **319**

File No. 605

Cal. No. 76

***"AN ACT CONCERNING ALCOHOL AND DRUG COUNSELORS
EMPLOYED BY THE DEPARTMENT OF CORRECTION."***

1 After section 1, insert the following:

2 "Sec. 2. (NEW) (*Effective October 1, 2002*) Any municipality may, by
3 resolution passed by its legislative body, and subject to the collective
4 bargaining provisions of chapter 166 of the general statutes, elect to
5 establish a retirement system for teachers employed in the public
6 schools of the municipality. The effective date of participation shall be
7 at least ninety days subsequent to the receipt by the Teachers'
8 Retirement Commission of the certified copy of such resolution. The
9 Retirement Commission shall furnish to any municipality
10 contemplating acceptance of this part, at the expense of such
11 municipality, an estimate of the probable cost to such municipality of
12 such acceptance as to any department or departments thereof. Upon
13 the request of any member of the Teachers' Retirement System eligible
14 to participate in such a municipal retirement system, the commission
15 shall refund his or her mandatory and voluntary contributions with

16 credited interest. Any municipality establishing a retirement system
17 pursuant to this section may contract with a Connecticut financial
18 institution, including, but not limited to, a bank or insurance company
19 for purposes of administration of the system.

20 Sec. 3. Section 53a-71 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2002*):

22 (a) A person is guilty of sexual assault in the second degree when
23 such person engages in sexual intercourse with another person and: (1)
24 Such other person is thirteen years of age or older but under sixteen
25 years of age and the actor is more than two years older than such
26 person; or (2) such other person is mentally defective to the extent that
27 such other person is unable to consent to such sexual intercourse; or (3)
28 such other person is physically helpless; or (4) such other person is less
29 than eighteen years old and the actor is such person's guardian or
30 otherwise responsible for the general supervision of such person's
31 welfare; or (5) such other person is in custody of law or detained in a
32 hospital or other institution and the actor has supervisory or
33 disciplinary authority over such other person; or (6) the actor is a
34 psychotherapist and such other person is (A) a patient of the actor and
35 the sexual intercourse occurs during the psychotherapy session, (B) a
36 patient or former patient of the actor and such patient or former
37 patient is emotionally dependent upon the actor, or (C) a patient or
38 former patient of the actor and the sexual intercourse occurs by means
39 of therapeutic deception; or (7) the actor accomplishes the sexual
40 intercourse by means of false representation that the sexual intercourse
41 is for a bona fide medical purpose by a health care professional; or (8)
42 the actor is a school employee and such other person is a student
43 enrolled in a school in which the actor works or a school under the
44 jurisdiction of the local or regional board of education which employs
45 the actor; or (9) the actor is a coach in an athletic activity or a person
46 who provides intensive, ongoing instruction and such other person is a
47 recipient of coaching or instruction from the actor and (A) is a
48 secondary school student and receives such coaching or instruction in
49 a secondary school setting, or (B) is under eighteen years of age.

50 (b) Sexual assault in the second degree is a class C felony for which
51 nine months of the sentence imposed may not be suspended or
52 reduced by the court.

53 Sec. 4. Section 53a-73a of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2002*):

55 (a) A person is guilty of sexual assault in the fourth degree when: (1)
56 Such person intentionally subjects another person to sexual contact
57 who is (A) under fifteen years of age, or (B) mentally defective or
58 mentally incapacitated to the extent that [he] such other person is
59 unable to consent to such sexual contact, or (C) physically helpless, or
60 (D) less than eighteen years old and the actor is such person's guardian
61 or otherwise responsible for the general supervision of such person's
62 welfare, or (E) in custody of law or detained in a hospital or other
63 institution and the actor has supervisory or disciplinary authority over
64 such other person; or (2) such person subjects another person to sexual
65 contact without such other person's consent; or (3) such person
66 engages in sexual contact with an animal or dead body; or (4) such
67 person is a psychotherapist and subjects another person to sexual
68 contact who is (A) a patient of the actor and the sexual contact occurs
69 during the psychotherapy session, or (B) a patient or former patient of
70 the actor and such patient or former patient is emotionally dependent
71 upon the actor, or (C) a patient or former patient of the actor and the
72 sexual contact occurs by means of therapeutic deception; or (5) such
73 person subjects another person to sexual contact and accomplishes the
74 sexual contact by means of false representation that the sexual contact
75 is for a bona fide medical purpose by a health care professional; or (6)
76 such person is a school employee and subjects another person to sexual
77 contact who is a student enrolled in a school in which the actor works
78 or a school under the jurisdiction of the local or regional board of
79 education which employs the actor; or (7) such person is a coach in an
80 athletic activity or a person who provides intensive, ongoing
81 instruction and subjects another person to sexual contact who is a
82 recipient of coaching or instruction from the actor and (A) is a
83 secondary school student and receives such coaching or instruction in

84 a secondary school setting, or (B) is under eighteen years of age.

85 (b) Sexual assault in the fourth degree is a class A misdemeanor.

86 Sec. 5. Subsection (b) of section 17a-101 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective*
88 *October 1, 2002*):

89 (b) The following persons shall be mandated reporters: Any
90 physician or surgeon licensed under the provisions of chapter 370, any
91 resident physician or intern in any hospital in this state, whether or not
92 so licensed, any registered nurse, licensed practical nurse, medical
93 examiner, dentist, dental hygienist, psychologist, coach of intramural
94 or interscholastic athletics, school teacher, school principal, school
95 guidance counselor, school paraprofessional, social worker, police
96 officer, clergyman, pharmacist, physical therapist, optometrist,
97 chiropractor, podiatrist, mental health professional or physician
98 assistant, any person who is a licensed substance abuse counselor, any
99 person who is a licensed marital and family therapist, any person who
100 is a sexual assault counselor or a battered women's counselor as
101 defined in section 52-146k, any person paid to care for a child in any
102 public or private facility, day care center or family day care home
103 licensed by the state, the Child Advocate and any employee of the
104 Office of Child Advocate.

105 Sec. 6. Subsection (k) of section 10-145b of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective July*
107 *1, 2002*):

108 (k) Unless otherwise provided in regulations adopted under section
109 10-145d, in not less than three years nor more than eight years after the
110 issuance of a provisional educator certificate pursuant to subsection (g)
111 of this section, as amended by this act, and upon the statement of the
112 superintendent in whose school district such certificate holder was
113 employed, or the [superintendent] supervisory agent of a nonpublic
114 school approved by the State Board of Education, in whose school such
115 certificate holder was employed, that the provisional educator

116 certificate holder and such superintendent or supervisory agent have
117 mutually determined or approved an individual program pursuant to
118 subdivision (2) of subsection (j) of this section and upon the statement
119 of such superintendent or supervisory agent that such certificate
120 holder has a record of competency in the discharge of [his] such
121 certificate holder's duties during such provisional period, the state
122 board upon receipt of a proper application shall issue such certificate
123 holder a professional educator certificate. A signed recommendation
124 from the superintendent of schools, or the superintendent's designee,
125 for the local or regional board of education or from the
126 [superintendent] supervisory agent of a nonpublic school approved by
127 the State Board of Education shall be evidence of competency. Such
128 recommendation shall state that the person who holds or has held a
129 provisional educator certificate has successfully completed at least
130 three school years of satisfactory teaching for one or more local or
131 regional boards of education or such nonpublic schools. Each applicant
132 for a certificate pursuant to this subsection shall provide to the
133 Department of Education, in such manner and form as prescribed by
134 the commissioner, evidence that the applicant has successfully
135 completed coursework pursuant to subsection (h) or (j) of this section,
136 as appropriate.

137 Sec. 7. (NEW) (*Effective July 1, 2002*) If a person holding a certificate,
138 authorization or permit issued by the State Board of Education under
139 the provisions of sections 10-144a to 10-149, inclusive, of the general
140 statutes, as amended by this act, is convicted of a felony or fined
141 pursuant to section 17a-101a of the general statutes, as amended by
142 this act, the state's attorney or assistant state's attorney for the judicial
143 district in which the conviction or fine occurred shall notify, in writing,
144 the Commissioner of Education of such conviction or fine.

145 Sec. 8. Subsection (m) of section 10-145b of the general statutes, as
146 amended by section 53 of public act 01-173, is repealed and the
147 following is substituted in lieu thereof (*Effective October 1, 2002*):

148 (m) (1) The State Board of Education may revoke any certificate,

149 authorization or permit issued pursuant to sections 10-144o to 10-149,
150 inclusive, as amended by this act, for any of the following reasons: (A)
151 The holder of the certificate, authorization or permit obtained such
152 certificate, authorization or permit through fraud or misrepresentation
153 of a material fact; (B) the holder has persistently neglected to perform
154 the duties for which the certificate, authorization or permit was
155 granted; (C) the holder is professionally unfit to perform the duties for
156 which the certificate, authorization or permit was granted; (D) the
157 holder is convicted in a court of law of a crime involving moral
158 turpitude or of any other crime of such nature that in the opinion of
159 the board continued holding of a certificate, authorization or permit by
160 the person would impair the standing of certificates, authorizations or
161 permits issued by the board; or (E) other due and sufficient cause. The
162 State Board of Education shall revoke any certificate, authorization or
163 permit issued pursuant to said sections if the holder is found to have
164 intentionally disclosed specific questions or answers to students or
165 otherwise improperly breached the security of any administration of a
166 state-wide examination pursuant to section 10-14n or if the holder is
167 fined pursuant to section 17a-101a, as amended by this act. In any
168 revocation proceeding pursuant to this section, the State Board of
169 Education shall have the burden of establishing the reason for such
170 revocation by a preponderance of the evidence. Revocation shall be in
171 accordance with procedures established by the State Board of
172 Education pursuant to chapter 54.

173 (2) When the Commissioner of Education is notified, pursuant to
174 section 17a-101i, as amended, or section 7 of this act that a person
175 holding a certificate, authorization or permit issued by the State Board
176 of Education under the provisions of sections 10-144o to 10-149,
177 inclusive, as amended by this act, has been convicted of (A) a capital
178 felony, pursuant to section 53a-54b, as amended, (B) arson murder,
179 pursuant to section 53a-54d, (C) a class A felony, (D) a class B felony,
180 except a violation of section 53a-122, 53a-252 or 53a-291, (E) a crime
181 involving an act of child abuse or neglect as described in section 46b-
182 120, or (F) a violation of section 53-21, 53-37a, 53a-60b, as amended,

183 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-
184 181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b, as amended, or 21a-
185 278, as amended, or subsection (a) of section 21a-277, any certificate,
186 permit or authorization issued by the State Board of Education and
187 held by such person shall be deemed revoked and the commissioner
188 shall notify such person of such revocation, provided such person may
189 request reconsideration pursuant to regulations adopted by the State
190 Board of Education, in accordance with the provisions of chapter 54.

191 (3) The State Board of Education may deny an application for a
192 certificate, authorization or permit for any of the following reasons: (A)
193 The applicant seeks to obtain a certificate, authorization or permit
194 through fraud or misrepresentation of a material fact; (B) the applicant
195 has been convicted in a court of law of a crime involving moral
196 turpitude or of any other crime of such nature that in the opinion of
197 the board issuance of a certificate, authorization or permit would
198 impair the standing of certificates, authorizations or permits issued by
199 the board; or (C) other due and sufficient cause. Any applicant denied
200 a certificate, authorization or permit shall be notified in writing of the
201 reasons for denial. Any applicant denied a certificate, authorization or
202 permit may request a review of such denial by the State Board of
203 Education."